## CERTIFICATION OF EMERGENCY RULES FILED WITH LEGISLATIVE REFERENCE SERVICE JERRY L. BASSETT, DIRECTOR

Pursuant to Code of Alabama 1975, \$\$41-22-5(b) and 41-22-6(c)(2)a. and b.

I certify that the attached emergency rule is a correct copy as promulgated and adopted on the  $16^{\rm th}$  day of April, 2014.

AGENCY NAME: Secretary of State
RULE NO. AND TITLE: 820-2-91515ER Requirements for Election Officials Regarding Affidavit for Voter Who Fails to Bring Acceptable Photo Identification to the Polling Place.
EFFECTIVE DATE OF RULE: April 16, 2014
EXPIRATION DATE (If less than 120 days):
NATURE OF EMERGENCY: This emergency rule is necessary to provide additional guidance to election officials in the implementation of photo voter ID beginning with the June 3, 2014 primary election.
STATUTORY AUTHORITY: Code of Alabama, section 17-9-30 (2011)
SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS X YES NO
NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:
Jean Brown, Chief Legal Advisor Office of the Secretary of State State Capitol Montgomery, AL 36104
Signature of officer authorized to promulgate and adopt rules and regulations or his or her deputy

FILING DATE (For APA Use Only)

## NEW

## OFFICE OF THE SECRETARY OF STATE ADMINISTRATIVE CODE

820-2-9-.15-.15ER Requirements for Election Officials
Regarding Affidavit for Voter Who Fails
to Bring Acceptable Photo
Identification to the Polling Place.

Identification that allows an election official to "positively identify" the voter as that term is used in Code of Alabama, 1975, section 17-9-30 (e) (2011) cannot be established by any method or means other than the election official's personal acquaintance with the voter that allows the election official to state with certainty and with no doubt or reservation that the voter is who he/she says he/she is.

In order to sign the affidavit promulgated in Rule 820-2-9-.11 attesting that the election official has positively identified a voter as a voter on the poll list who is eligible to vote, the positive identification must be based on the election official's personal acquaintance with the voter that allows the election official to state with certainty and with no doubt or reservation that the voter is who he/she says he/she is.

Authors: Jean Brown; Ed Packard; William Sutton. Statutory Authority: Code of Alabama, section 17-9-30 (2011).

History: New Rule: Filed April 16, 2014.